

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

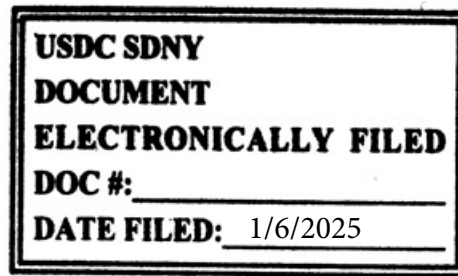
NIELSEN CONSUMER LLC,

Plaintiff,

-against-

CIRCANA GROUP, L.P.,

Defendant.



ORDER ON MOTION TO SEAL

22-CV-3235 (JPO)(KHP)

KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE

On December 19, 2024, Plaintiff filed a Letter Motion requesting permission to file under seal its Motion for Leave to File its Fourth Amended Complaint and Proposed Fourth Amended Complaint and related Exhibits A-G because such materials “contain and refer to confidential NielsenIQ trade secrets and information,” “commercially sensitive business information pertaining to the parties’ relationship and business and sales information,” and documents designated as “Confidential or Attorneys Eyes Only.” (ECF No. 418) On December 23, 2024, Plaintiff filed its proposed redactions to the Motion for Leave to File its Fourth Amended Complaint and Proposed Fourth Amended Complaint and related Exhibits A-G. (ECF Nos. 422 and 423)

The Court has reviewed Plaintiff’s filings and finds that the proposed redactions are overbroad and inconsistent with the *Lugosch* standard. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006) (finding that courts may grant motions to seal where the parties make “specific, on the record findings . . . demonstrating that closure is essential to preserve higher values and [sealing] is narrowly tailored to serve that interest”). For example, the proposed redacted language, “Circana employees repeatedly raised concerns

that the inclusion of this [redacted] would violate the contract” is not confidential with the exception of the limited redacted terms. (See ECF No. 423-1 at ¶ 88) Similarly, the proposed redacted language, “But the inclusion of [redacted] is indefensible because it is [a] clear violation of the contract” is not confidential except for the limited redactions. (See *id.*) Likewise, the name of the slide deck that is proposed to be redacted in the proposed amended complaint is not confidential. (*Id.* at ¶ 89) Plaintiff’s proposed amended complaint contains numerous additional examples of redacted text that fails to be specific and narrowly tailored. Therefore, Plaintiff’s Letter Motion to Seal is hereby DENIED without prejudice. Plaintiff may file revised proposed redactions to its Motion for Leave to File its Fourth Amended Complaint and Proposed Fourth Amended Complaint and related Exhibits A-G for the Court’s consideration **by January 16, 2025.**

The Clerk of Court is respectfully directed to terminate the motions at ECF Nos. 418, 422 and 423. Further, the Clerk of Court is also directed to keep the document at ECF No. 423 under seal.

SO ORDERED.

Dated: January 6, 2025
New York, New York



KATHARINE H. PARKER
United States Magistrate Judge